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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,177	07/13/2000	Kevin Coleman	MPZ-001.01	3719

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/6/5177

Applicant(s)

Coleman

Examiner

Akers, g

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 7 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/4/03
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-19, 21-26 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-19, 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This action is issued in response to applicant's Amendment B(Paper #8) filed 12/4/03.
2. Claims 3,20 were cancelled. New claims 22-26 were added. Claims 1,9,13-19,21 were amended.
3. Claims 1,2,4-19,21-26 as amended, incorporating newly added claims, are pending.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,2,4-19,21-26 are rejected under 35 USC 103(a) as unpatentable over Salmon(US Pat. No: 5,592,375) in view of Esposito(US 6,587,838) and further in view of Alfred(US Pat. No: 5,765,142).
6. As per claims 1,2,4-19,21-26 Salmon teaches a method for interactively selecting a product in a networked environment(col 1 line 18-col 2 line 55) including a subjective characteristic of the product(Fig 3a/322)(Fig 3b) including category information on the client(Fig 4a-4f) and product criterion(col 13 lines 14-66)as well as a set of hyperlinks through the Internet to vendor computers for product descriptions(Fig 1-3b). Salmon also teaches a seller's interface(Fig 1/300) and a buyer's interface(Fig 1/500) as well as

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product profiles(Fig 1/200) and buyer's profiles(Fig 1/200).Salmon also teaches product ID(Fig 2d/262) and component ID(Fig 2d/263) and industry broad(Fig2d/265) as well as function broad(Fig 2e/275) and narrow function(Fig 2e/270). Salmon further teaches seller establishing a product name(Fig 3b/352) and a top level category(Fig 3b/356)and a characteristic value(Fig 3b/360). Salmon teaches the buyer rank-ordering products according to a weighting methodology(Fig 5) and review of product profiles(Fig 5/552) and then selects individual product for a detailed review(Fig 5/540). In addition to that taught by Salmon, Esposito also provides real-time notification to the purchaser based on purchaser requirements in a network to match with vendor database goods and services(Abstract)(Fig 1-7) as well as an objective characteristic of the product(Fig 6) and a plurality of selections(Fig 4).Esposito teaches client computers interacting with vendor computers over the internet(Fig 1/102/100/104) whereby the vendor computers maintain a product database(Fig 1/120) and a customer database(Fig 1/122). Esposito further teaches obtaining product areas of interest from users(Fig 4/410) and presenting the user with this information(Fig 4/412).Esposito also teaches selecting merchants based upon region and product(Fig 4/420) as well as a product search and a sub-category search(Fig 5/501/503). Esposito further teaches a buy request filter for a product, a make and a category(Fig 6/604/606). In addition to that taught by Esposito, Alfred teaches an interactive customer service system(Abstract).Alfred further teaches category elements(Fig 1A/201) and global elements(Fig 1A/20) as well as marketing and production elements(Fig 1A/202). Alfred further teaches a product database(Fig 1B/21) consisting of a product number, category, rating, version, languages, markets,

work attributes(Fig 3/21).Alfred also teaches that within the global elements(Fig 2/20) that category elements include products and styles and subcategories(Fig 2/201).Alfred also teaches that in a category there is a product code(Fig 4/22) as well as subcategories(Fig 4/22).Alfred further teaches that in a kiosk profile are found products and countries and languages(Fig 7) as well as a product set(Fig 10A/42224) and a subcategory set(Fig 10A/42227) as well as a product data set(Fig 10A/4232) and a profile set(Fig 10A/4233).Alfred also teaches global data(Fig 13/142) and a dataset that consists of languages, lists, markets, products, categories(Fig 13/143) and standard properties dialogs(Fig 17) as well as product display(Fig21/2820) as well as category selections(Fig 21/2850). It would have been obvious to one skilled in the art at the time of the invention to combine Salmon in view of Esposito and to apply selection criteria to financial products as a specific application of the art to teach part of the disclosure. The motivation to combine is to teach an interactive online purchasing system meeting customer requirements and which allows vendors to receive real time information on customer preferences and product needs as enunciated by Esposito(col 2 lines 43-46). It also would have been obvious to one skilled in the art at the time of the invention to combine Salmon in view of Esposito and further in view of Alfred to teach the disclosure. The motivation to combine is to teach a system that dynamically change products offered to a consumer so that preferences of consumer classes may be met with the products as enunciated by Alfred(col 2 lines 58-65).

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claim 15 is further rejected under 35 USC 101 for failing to define a concrete, useful, and tangible output.

***Response to Arguments***

9. Applicant's arguments have been considered but are moot in view of the additional grounds for rejection.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.**

Applicant's amendment in the independent claims and newly added claims necessitated new grounds for rejection.

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11. Questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687.

February 18, 2004



DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER